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May 20, 2021

**VIA ECF FILING**

The Honorable Jennifer P. Wilson  
United States District Court for the  
Middle District of Pennsylvania  
Ronald Reagan Federal Building & US Courthouse  
228 Walnut Street  
Harrisburg, PA 17101

**Re: Pace-O-Matic, Inc. v. Eckert Seamans Cherin Mellott, LLC**  
**U.S.D.C., Middle District of Pennsylvania, Docket No. 1:20-cv-00292**

Dear Judge Wilson:

As Your Honor is aware, I represent defendant, Eckert Seamans Cherin & Mellott, LLC ("Eckert"), in the above-referenced matter. In accordance with Your Honor's April 29, 2021 Order, I write to provide the Court with Eckert's position concerning a settlement conference and, also, to provide the Court with a proposed form of Order to resolve the pending motion for preliminary injunction filed by plaintiff, Pace-O-Matic, Inc. ("POM").

Counsel for the parties attempted in good faith to submit a joint stipulation as well as a letter to the Court, but we were unable to reach a resolution. Eckert believes that this proposed form of Order fully and completely resolves POM's pending motion for preliminary injunction and provides an appropriate Court Order to enforce the actions that Eckert has already taken, and which are consistent with the Declarations previously provided. POM's prior proposed form of Order, which was filed with POM's motion, is also provided for the Court's convenience.

With respect to a proposed settlement conference, Eckert is ready and willing at the Court's convenience to engage in meaningful settlement discussions before either of the magistrate judges suggested by the Court during our April 29, 2021 status conference. Eckert

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believes that there is no reason to delay that process, and we will make ourselves available whenever the magistrate judge is available.

Thank you for Your Honor's consideration of our request.

Respectfully,



Robert S. Tintner

RST/ebm  
Enclosures

cc: Abraham C. Reich (via ECF only) (w/enclosures)  
Daniel T. Brier, Esquire (via ECF only) (w/enclosures)  
Donna A. Walsh, Esquire (via ECF only) (w/enclosures)

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PACE-O-MATIC, INC.,	:	
	:	
Plaintiff,	:	
v.	:	Docket No. 1:20-cv-00292
	:	
ECKERT SEAMANS CHERIN & MELLOTT,	:	
LLC,	:	(Jennifer P. Wilson)
	:	
Defendant.	:	
	:	

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2021, upon consideration of the Motion for Preliminary Injunction of Plaintiff, Pace-O-Matic, Inc. ("POM"), the response of defendant, Eckert Seamans Cherin & Mellott, LLC ("Eckert"), the Declarations of Timothy S. Coon and Mark S. Stewart of Eckert, as well as Eckert's consent to the entry of this Order, it is ORDERED as follows:

1. POM's Motion for Preliminary Injunction is GRANTED.
2. Eckert and its attorneys will not represent any party adverse to POM consistent with Pennsylvania Rules of Professional Conduct 1.7 and 1.9.
3. Eckert and its attorneys will not re-enter their appearances or become involved in the matters that Eckert initiated on behalf of its gaming client, Greenwood Gaming and Entertaining, Inc. d/b/a Parx Casino ("Parx Casino"), against a number of distributors of POM's games pending in Bucks County and Montgomery County, Pennsylvania.

4. Eckert and its attorneys will not communicate with counsel for the Commonwealth of Pennsylvania, including the Department of Revenue and the Pennsylvania State Police, in the actions that POM commenced in the Commonwealth Court of Pennsylvania. Eckert will further not advise or consult with counsel for the proposed interveners on issues concerning the actions that POM commenced in the Commonwealth Court of Pennsylvania.

5. Eckert and its attorneys will not advocate legislatively, judicially or publicly that POM's devices are not based predominantly upon skill.

6. Eckert and its attorneys will continue to maintain and keep POM's information and communications confidential and screened from any attorneys working for Parx Casino consistent with the Pennsylvania Rules of Professional Conduct.

BY THE COURT:

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JENNIFER P. WILSON, U.S.D.J.

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

PACE-O-MATIC, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	NO. 20-CV-292
	:	
ECKERT, SEAMANS, CHERIN &	:	JUDGE WILSON
MELLOTT, LLC,	:	
	:	ELECTRONICALLY FILED
Defendant.	:	

ORDER

AND NOW, this \_\_\_\_ day of March 2020, upon consideration of Plaintiff Pace-O-Matic, Inc.'s Motion for Preliminary Injunction, and any response thereto, IT IS HEREBY ORDERED THAT the Motion is Granted. Defendant Eckert, Seamans, Cherin & Mellott, LLC is hereby preliminarily enjoined from representing Greenwood Gaming & Entertainment, Inc. d/b/a Parx Casino in any matter adverse to Pace-O-Matic, Inc.

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J.